THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1107 of 2006

Dated: 18-09-2006

Between:

Janab Syed Salim Basha Hafeez Syed Salim Basha.

..... PETITIONER

AND

The A.P. State Wakf Board, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner claims to be the son-in-law of Muthawali of old Edgah in Kurnool. After death of his father-in-law, he was statedly appointed as Muthawali by respondent No.1 vide proceedings dated 04-06-1997. Respondent No.6 filed W.P.No.16907 of 2004 assailing the appointment of the petitioner herein as Muthawali and the same was allowed on 21-11-2005. The petitioner herein then filed Review W.P.M.P.No.6884 of 2006 and by order dated 10-07-2006, the same was allowed and the matter was heard afresh. Ultimately on 10-07-2006, W.P.No.16907 of 2004 was allowed and respondent No.1 was directed to pass fresh order in accordance with law indicating as to whether the appointment of respondent No.2 therein/petitioner herein is by way of succession under Section 37-C read with Section 42 or under Section 63 of the Andhra Pradesh Wakf Act, 1995 (the Act, for brevity).

While the proceedings before this Court were pending, respondent No.1 issued orders on 05-01-2006 appointing respondent Nos.4 to 12 as members of respondent No.3, Managing Committee, assailing the said order the petitioner filed the present writ petition on various grounds.

As on today the order appointing the petitioner as Muthawali is no more in force as W.P.No.16907 of 2004 filed by respondent No.6 has been allowed setting aside the said order. Nonetheless by reason of the orders passed by this Court on 10-07-2006 in W.P.No.16907 of 2004, respondent No.1 was directed to conduct fresh enquiry into the claim of the petitioner herein. As respondent Nos.4 to 12 were appointed as members of respondent No.3, Managing Committee of Edgah in Kurnool, presumably during the pendency of the question of Towliath, it would be better if respondent No.1 also takes into consideration the appointment of respondent No.3, Managing Committee, under Section 18 of the Act while conducting fresh enquiry. It is brought to the notice of this Court that respondent Nos. 4 to 12 have already taken charge and discharging the functions as members of respondent No.3, Managing Committee. The same *status quo* shall continue till a final decision is taken by respondent No.1 as ordered by this Court in W.P.No.16907 of 2004 on 10-07-2006 regarding the right of the petitioner to be appointed as Muthawali of the wakf.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

18th September, 2006

Note: Issue CC by 19-09-2006
B/o
ghn